

Office of Personnel Management

§ 316.703

conditions of paragraph (a)(3) of this section are again met.

[44 FR 55132, Sept. 25, 1979]

Subpart G—Retention of Incumbents of Positions Brought Into the Competitive Service

§ 316.701 Public or private enterprise taken over by Government.

(a) When the Office, or an agency acting under an agreement with the Office, finds that the Federal Government has taken over a public or private enterprise, or an identifiable unit thereof, and that a position has thereby been brought into the competitive service, the agency may retain the incumbent of the position.

(b)(1) When an agency retains an employee under paragraph (a) of this section in a position which it determines to be a continuing one, the agency gives the employee a status quo appointment and shall decide on a timely basis whether it will convert that individual's employment to career or career-conditional under § 315.701 of this chapter.

(2) When an agency decides not to effect conversion under § 315.701 of this chapter, or the employee fails to qualify for conversion, the agency, in its discretion, may retain the employee as a status quo employee.

(c) An agency may retain an employee under paragraph (a) of this section in a position that it determines is noncontinuing under a temporary appointment. That appointment may be made for a period not to exceed 1 year and will be subject to the time limits set out in § 316.402.

[44 FR 55133, Sept. 25, 1979, as amended at 60 FR 39101, Aug. 1, 1995; 63 FR 63784, Nov. 17, 1998]

§ 316.702 Excepted positions brought into the competitive service.

(a) When the Office, or an agency acting under an agreement with the Office, finds that an excepted position has been brought into the competitive service by statute, Executive order, or the revocation of an exception under Civil Service Rule VI (§ 6.6 of this chapter), or is otherwise made subject to competitive examination, the agency

may retain the incumbent of the position.

(b)(1) When an agency retains an employee under paragraph (a) of this section who was serving in an excepted position under an indefinite appointment or an appointment without time limit, the agency gives the employee a status quo appointment and may convert that employee's appointment to career or career-conditional under § 315.701 of this chapter.

(2) When the agency decides not to effect conversion under § 315.701 of this chapter, or the employee fails to qualify for conversion, the agency, in its discretion, may retain the employee as a status quo employee.

(c) An employee who was serving under an excepted appointment limited to 1 year or less may be retained as a temporary employee under paragraph (a) of this section until the scheduled expiration date of the employee's excepted appointment. Extension of the employee's temporary appointment beyond that date will be subject to the provisions of § 316.402.

(d) An employee who was serving under an excepted appointment with a definite time limit longer than 1 year may be retained under a term appointment. The term appointment is subject to all conditions and time limits applicable to term appointments. Service under excepted appointment does not count against the maximum time limit for term appointment in the competitive service.

[44 FR 55133, Sept. 25, 1979, as amended at 60 FR 39101, Aug. 1, 1995; 63 FR 63784, Nov. 17, 1998]

§ 316.703 Effect on tenure of position change of status quo employees.

(a) A status quo employee who is promoted, demoted, or reassigned becomes:

(1) An indefinite employee when the position change occurs while he is not serving overseas; or

(2) An overseas limited employee when the position change occurs while he is serving overseas.

(b) An employee referred to in paragraph (a) of this section who is changed back to his status quo position becomes a status quo employee.

Subpart H [Reserved]**Subpart I—Reassignments, Transfers, and Details****PART 317—EMPLOYMENT IN THE SENIOR EXECUTIVE SERVICE**

- 317.901 Reassignments.
- 317.902 Transfers.
- 317.903 Details.
- 317.904 Change in type of SES appointment.

Subpart A [Reserved]**Subpart B—General Provisions****Subpart J—Corrective Action**

- Sec.
- 317.201 Regulatory requirements.

- 317.1001 OPM authority for corrective action.

Subpart C—Conversion to the Senior Executive Service

AUTHORITY: 5 U.S.C. 3392, 3393, 3393a, 3395, 3397, 3593, 3595 and 3596.

- 317.301 Conversion coverage.
- 317.302 Conversion procedures.
- 317.303 Status of employees who decline voluntary conversion to the Senior Executive Service.
- 317.304 Conversion of career and career-type appointees.
- 317.305 Conversion of excepted appointees.
- 317.306 Conversion of employees under time limited appointments.

Subpart A [Reserved]**Subpart B—General Provisions****§ 317.201 Regulatory requirements.**

This part contains the regulations of the Office of Personnel Management which implement the following provisions of law:

(a) Section 413 of title IV of the Civil Service Reform Act of 1978;

(b) Subchapter VIII of chapter 33 of title 5, U.S.C. on appointment, reassignment, and transfer in the Senior Executive Service; and

(c) Subchapter V of chapter 35 of title 5, U.S.C. on reinstatement to the Senior Executive Service.

[45 FR 8541, Feb. 8, 1980]

Subpart D—Qualifications Standards

- 317.401 General.
- 317.402 Career reserved positions.
- 317.403 General positions.
- 317.404 Retention of qualifications standards.

Subpart E—Career Appointments

- 317.501 Recruitment and selection for initial SES career appointment be achieved from the brightest and most diverse pool possible.
- 317.502 Qualifications Review Board certification.
- 317.503 Probationary period.
- 317.504 Agency recertification.

Subpart C—Conversion to the Senior Executive Service

SOURCE: 45 FR 8541, Feb. 8, 1980, unless otherwise noted.

Subpart F—Noncareer and Limited Appointments

- 317.601 Authorization.
- 317.602 Conditions of a limited appointment.
- 317.603 Selection.
- 317.604 Reassignment.
- 317.605 Tenure of appointees.

§ 317.301 Conversion coverage.

(a) *When applicable.* These conversion provisions apply in the following circumstances.

(1) The implementation of the Senior Executive Service effective on July 13, 1979, and the initial conversions thereto.

(2) The implementation of the Senior Executive Service in an agency following the revocation of that agency's Presidential exclusion under 5 U.S.C. 3132(e). The Office of Personnel Management shall determine the date on which conversions under this authority shall become effective. Generally, this

Subpart G—SES Career Appointment by Reinstatement

- 317.701 Agency authority.
- 317.702 General reinstatement: SES career appointees.
- 317.703 Guaranteed reinstatement: Presidential appointees.

Subpart H—Retention of SES Provisions

- 317.801 Retention of SES provisions.